

Appln. No. 10/040,955

Attorney Docket No. 10541-821

III. Remarks

Claims 16-25 presently stand withdrawn from further consideration by Examiner as being drawn to a non-elected invention. Claims 1-6 and 15 presently stand rejected.

By this paper, Applicant is amending claims 1 and 15; canceling claims 7 and 14; and adding claim 26. Accordingly, Claims 1-6, 8-13, and 15-26 are pending, with 16-25 being withdrawn. Reconsideration and further examination of this application are respectfully requested.

Request for Reconsideration of Restriction Requirement

The Examiner imposed a restriction to one of three groups, namely Group I, having Claims 1-15 drawn to a pump, Group II, having Claims 16-22 drawn to a method for adjusting fluid flowing from a pump, and Group III, having Claims 23-25 drawn to a system including a power system and vehicle.

The Examiner correctly notes that Groups I and III are related as a combination and a subcombination. The Examiner further asserts that the combination as claimed does not require the particulars of the subcombination as claimed because it need not include an actuated cam formed on a cam ring as claimed. However, the Examiner has not shown that a serious burden would occur if the Groups were examined together, as required by MPEP § 806.05(c) and specified in MPEP § 808.02. The Groups have the same classification, and the same field of search, and therefore no serious burden would occur if Groups I and III were examined together.

The Examiner correctly notes that Groups I and II are related as a product and a process of use. The Examiner further asserts that the method can be practiced with a materially different product, namely one without an inner cavity to define a pump suction path. However, the Examiner has not shown that a serious burden would occur if the Groups were examined together, as required by MPEP § 806.05(c) and specified in MPEP § 808.02. The Groups have the same classification, and the same field of search, and therefore no serious burden would occur if Groups I and III were examined together.

-10-

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

Appln. No. 10/040,955

Attorney Docket No. 10541-821

For these reasons, the Applicant respectfully traverses the restriction requirement and requests reconsideration based on the foregoing.

Allowable Subject Matter

Applicants gratefully acknowledge that the Examiner would allow Claims 7-12 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response thereto, independent Claim 26 has been added to incorporate the elements of Claim 7 and the claims from which it depends.

Additionally, in response thereto, independent claim 1 has been rewritten to include the limitations of claim 1 and claim 7 in the original application as filed. Amended claim 1 includes a fluid pressure chamber formed in the inner cavity through a seal means, a rotor having a plurality of vanes and mounted on a rotating shaft inside said cam ring, and a pump chamber formed between the inner diameter of the cam ring and an outer diameter of the rotor. The pump chamber has a first opening in the suction path and a second opening in the discharge path. As indicated by the Examiner in the above mentioned Paper #11, the cited references do not disclose the recited elements of amended claim 1.

Claims 2-6 and 8-12 depend indirectly on amended claim 1. Therefore, it is respectfully submitted that claims 1-6, 8-12, and 26 are allowable for the reasons discussed above, and Applicants respectfully request that Claims 22-28 be passed along to issuance.

Objections to the Abstract

The Examiner objected to the abstract of the disclosure because the first sentence should not begin with "The present invention provides..." In response to the Examiner's objection, the abstract has been amended to delete the objected phrase. Therefore, Applicants respectfully assert that the Examiner's objections are moot and request that the objections are withdrawn.

Claim Objections

The Examiner objected to claim 14 as being of improper dependent form for failing to further limit the subject matter of a previous claim because claim 14 is identical to claim 2. Claim 14 has been cancelled, and therefore Applicants

-11-

**BRINKS
HOFER
GILSON
& LIONE**BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

Appln. No. 10/040,955

Attorney Docket No. 10541-821

respectfully assert that the Examiner's objections are moot and request that the objections are withdrawn.

Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1-6 and 14-15 under 35 U.S.C. § 102(e) as being anticipated by *Zagranski* (U.S. Patent No. 6,623,250).

As discussed above, claim 1 has been amended to include the limitations of claim 1 and claim 7 in the original application as filed. As indicated by the Examiner in the above mentioned Paper #11, the cited references do not disclose the recited elements of amended claim 1.

Claims 2-6 and 8-12 depend on amended claim 1. Therefore, it is respectfully submitted that claims 1-6 and 8-12 are not anticipated by *Zagranski* for the reasons discussed above.

Claim 15 has been amended to recite that the control module is connected to a power steering system such as to receive measurements of pressure. Claim 15 also now recites that the control module is connected to an engine of the vehicle such as to receive measurements of an engine speed. *Zagranski* fails to disclose a power steering system, and therefore does not disclose a control module connected to a power steering system. Thus, *Zagranski* does not disclose the elements of claim 15.

Conclusion

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Therefore, Applicants request that the Examiner grant early allowance of these claims. The Examiner is invited to contact

-12-



BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

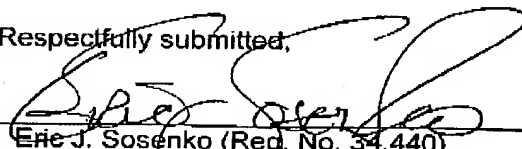
Appln. No. 10/040,955

Attorney Docket No. 10541-821

the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

4/7/04
Date

Respectfully submitted,


Eric J. Sosenko (Reg. No. 34,440)
Attorneys/Agent for Applicant

-13-

BRINKS
HOFFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599